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Hiroyuki Tanji

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EXAMINER

CAMPOS, JR., JUAN J

ART UNIT

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10/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,995	<b>Applicant(s)</b> TANJI, HIROYUKI	
	<b>Examiner</b> Juan J. Campos	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/11/2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening having a sectional shape formed in an arc protruding toward a center of said opening (claim 6) and an opening edge of said opening having a sectional shape forming an arc protruding toward a center of said opening (claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 6, 7 and 10** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. **Regarding claim 6**, the claim had been amended to claim the thick part presenting an arc shape protruding toward a center of the opening. Although this arc shape protruding toward a center of the opening is mentioned in the specification, the figures (including figures 5 and 21 which specification says this occurs) does not show the claimed subject matter of this claim. The thick part presenting an arc shape (supposedly shown in figures 5 and 21, can easily be considered as protruding forward of the opening.

5. **Regarding claim 7**, the claim claims a sectional shape formed in an arc protruding toward a center of said opening. Again, although mentioned in the specification, the drawings (including the figures 5 and 21) do not clearly show this claimed subject matter. One can easily consider the sectional shape formed in an arc protruding forward of the opening and not to the center of the opening.

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6. **Regarding claim 10**, the claim implies movement of the inlet/outlet, but the inlet/outlet of invention is fixed therefor claim is inaccurate. Is the inlet/outlet claimed to be moving? For this action, any of the width extent of the inlet/outlet between two collars will be considered as reading into this claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Tisbo et al. (5,988,552).**

9. **Regarding claim 1**, Tisbo et al. (from here on just referred to as just Tisbo) discloses a portable hose reel cart having a folding handle comprising a rotatable spool 14 (or drum) and a guide 50 (or guide part) for guiding the hose (not shown) provided on a moving path of the hose (see figures 1-3 and column 1 line 60 through column 2 line 14) the guide (or guide part) having a width (the width of the opening in the guide that starts at the vertical center of the of the guide 50, or vertical halfway point of the guide 50) which decreases toward an upper portion of the guide (or guide apart) and the opening (no number see figures 1-3) having a sectional shape formed in an arc (the arc formed by the top half of the guide opening) protruding toward a center (one of the two vertical centers of the opening) of the opening.

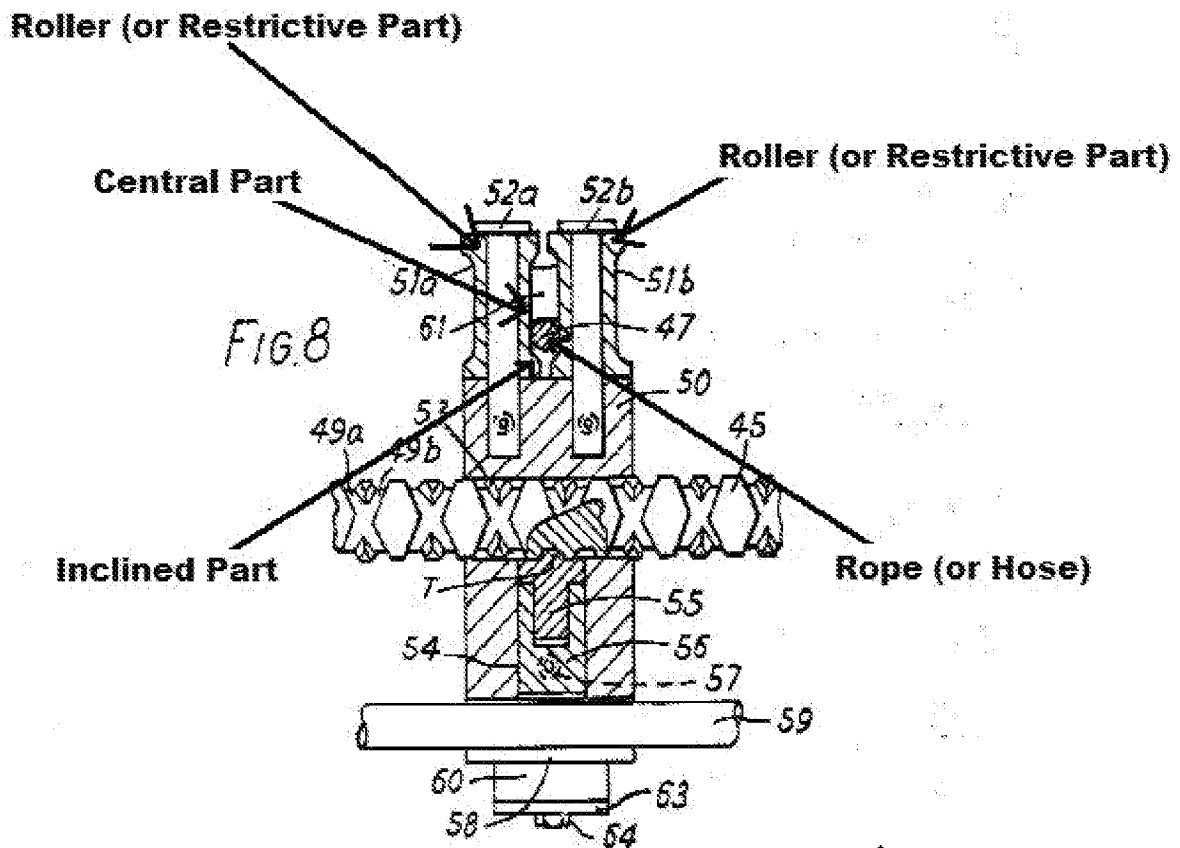
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10. **Regarding claims 10 and 11**, Tisbo further shows the hose reel cart contains a spool 14 (or drum) onto which the hose (no number) is wound or taken up and the spool (or drum) will move in the direction urging the movement of the hose and is disposed on the moving path of the hose to be wound up by spool. Also, Tisbo shows that the spool comprises a central hub 30 (or barrel portion) and flanges 32 (or collars), see column 4 (lines 11-14). And the spool is supported by the frame (considered parts 12, 62, 56, and 40), see figure 1. From reviewing figure 1, clearly the frame (parts 12, 62, 56, 40) is formed in a shape allowing accommodation of the spool (drum) and the cutout portion (opening in guide 50) is disposed in a position in the enclosure (frame) opposite the winding position of the two flanges (collars) of spool (drum). In addition, the width of the cutout portion is not greater than the distance from one flange to the other. Also, from figure 1, the frame (parts 12, 62, 56, 40) is formed in a case shape for accommodating the spool (drum). As can be seen in figures 1-3, width extent of the inlet/outlet (the opening of 50) is maintained positionally between the two flanges (32, or collars).

11. **Regarding claims 12-14**, Further Tisbo shows the opening of guide part 50 (or inlet/outlet) having a width (the width of the opening in the guide that starts at the vertical center of the of the guide 50, or vertical halfway point of the guide 50) becomes smaller toward an upper part, the opening on an upper side formed in an arc having a central part protruding upward, the opening delimited by an opening edge (see figure 1-3) with at least a portion defining an arc shape, the starting point of the arc shape of opening edge a center of rotation of the spool (or drum) and the highest position of the flanges (or collars), see figures 1-3.

12. **Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Kawabe (US Patent 4,334,670).**

13. **Regarding claim 2**, Kawabe discloses anchor winch equipment that comprises of a rotatable drum 2, a block 61 (or guide part) capable of guiding a hose (or rope, 47) being on the moving path of the hose(or rope), rollers 51a and 51b (either considered a restrictive part) capable of preventing a hose from escaping and capable of being in the moving direction of a hose, and an inclined part (no number, see figure below and figure 8) inclined toward a central part (the vertical surface of either of the rollers 51a or 51b, see surface of contact of rope 47 in figure 8) and set on the roller (or restrictive part) with an angle of 45° to less than 90°.



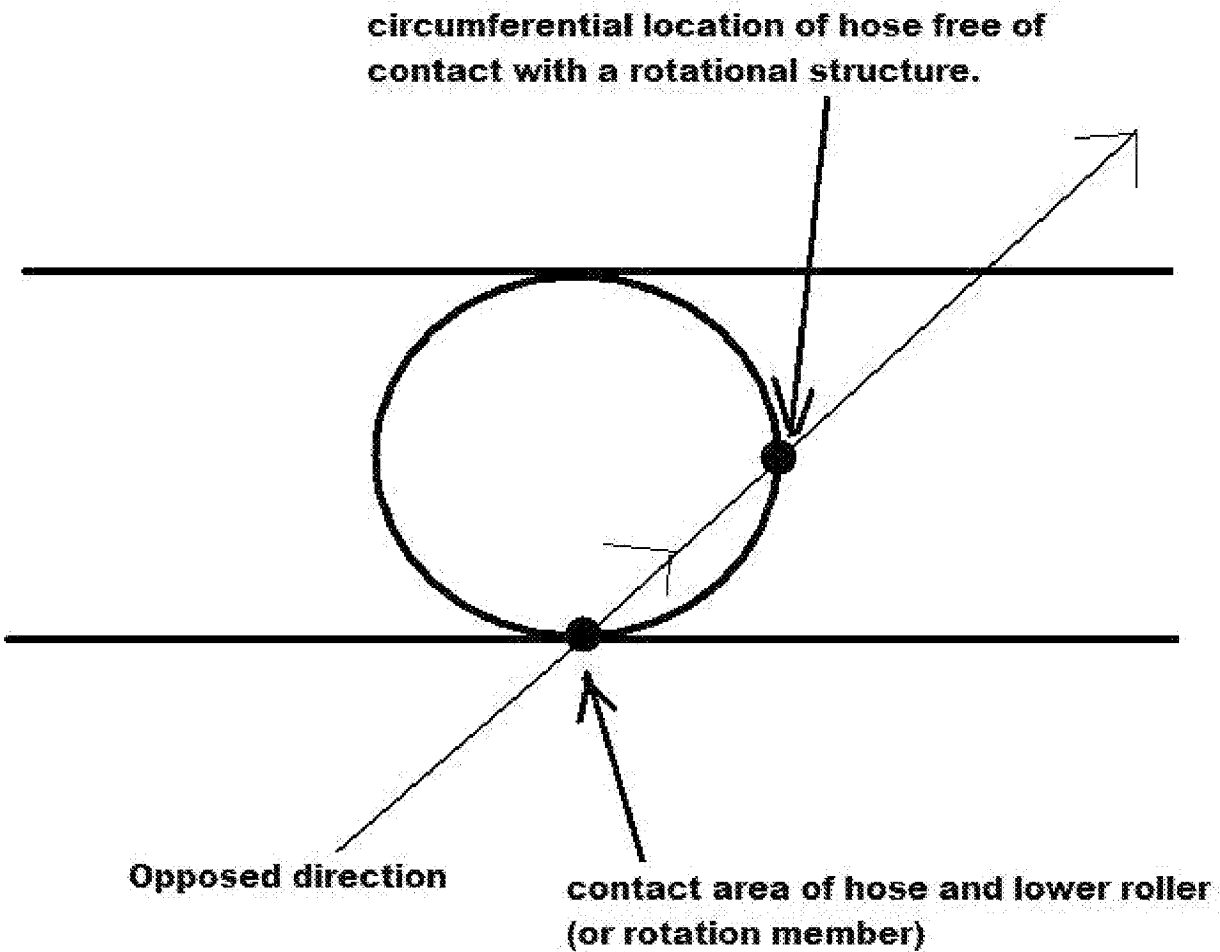
14. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Bantaculo (US Patent 5,560,391).

15. Regarding claim 8, Bantaculo discloses a hose handling apparatus comprising a drum (54,56 and 58) and a rectangular aperture having rollers 82 (the bottom roller of the rollers 82 considered the rotational member by the examiner) on the top and bottom portions of the aperture (see figure 1), the rotational member being disposed on a moving path hose 72 free of contact with a rotational structure (for example another roller) at a circumferential location of the hose opposed to a support location of the hose



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by a the lower roller (or rotational member), see figure 1 and the diagram below. From the diagram below, the hose is free of contact with a rotational structure at a circumferential location opposed to the support location of the lower roller (or rotational member).



16. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitehead et al. (US Patent 6,050,291).

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17. **Regarding claims 10-11**, Whitehead et al. discloses an enclosed hose reel (see abstract). The hose reel disclosed by Whitehead et al. contains a spool (12) onto which the hose (H) is wound or taken up, see column 3, lines 56-57. From figure 3, the spool will move in the direction urging the movement of the hose and is disposed on the moving path of the hose to be wound up by spool. Also, Whitehead et al. discloses that the spool consists of two flanges (18, or collars), see column 3 (lines 59-60). And the spool is supported by the frame (or enclosure), see figure 6. From reviewing figure 6, clearly the frame (enclosure) is formed in a shape allowing accommodation of the spool (drum) and the cutout portion (54, inlet/outlet) is disposed in a position in the enclosure (frame) opposite the winding position of the two flanges (collars) of spool (drum). In addition, the width of the cutout portion is not greater than the distance from one flange to the other. Also, from figure 6, the enclosure (frame) is formed in a case shape for accommodating the spool (drum). As can be seen in figures 5 and 6, width extent of the inlet/outlet is maintained positionally between the two flanges (18, or collars). The complete width extent of the inlet/outlet may not be maintained positionally between the flanges (or collars), but some of the width extent is maintained positionally between the flanges.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**19. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Whitehead et al. (US Patent 6,050,291) in view of Smith (US Patent 6,467,499 B1).**

Whitehead et al. discloses an enclosed hose reel (see abstract). The hose reel disclosed by Whitehead et al. contains a spool (12, or drum) onto which the hose (H) is wound or taken up, see column 3, lines 56-57. Smith discloses a reel and hose covering device for receiving a reel and hose interiorly (see abstract). Also, Smith discloses a front wall (22) with an opening (32) to allow the passage of the water outlet (18) of the hose (16), see column 4 lines 6-8.

**20. Regarding claim 1,** Whitehead et al. discloses an enclosed hose reel (see abstract) for winding a spool (see figure 6), but does not disclose a guide part for guiding the hose (H). Smith discloses a reel and hose covering device (see abstract) that contains an opening to allow the passage of the water outlet (18) of the hose (16), see column 4 lines 6-8. Also, as disclosed by Smith, the width of the opening (32) is set to decrease to its upper portion, see opening on figure 3. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to utilize the hose reel of Whitehead et al. and apply the opening of Smith to have a guide part (the opening of Smith) for guiding the hose on the moving path of the hose and to have a guide part with a width that decreases toward the upper portion of guide part.

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21. **Claims 2, 3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead et al. (US Patent 6,050,291) in view of Smith (US Patent 6,467,499 B1) in further view of Fritsch (US Patent 3,776,262) in further view of Nelson (US Patent 4,974,627).**

22. **Regarding claim 2,** Whitehead et al. discloses an enclosed hose reel (see abstract) for winding a spool (see figure 6), but does not disclose a guide part for guiding the hose (H). Smith shows a reel and hose covering device (see abstract) that contains an opening to allow the passage of the water outlet (18) of the hose (16), see column 4 lines 6-8. Also, as shown by Smith, the width of the opening (32) is set to decrease to its upper portion, see opening on figure 3. As observed, by the opening (32) of Smith (see figure 3), the left and right sides of the opening (inclined parts) have an angle of inclination of more than 45 degrees and less than 90 degrees. Fritsch shows for a cylindrical garden hose enclosure. In addition, Fritsch shows that the cover (24) has a bead (29) around the rim of the dispensing opening (26), see column 2 lines 16-17 and figure 2. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to utilize the hose reel of Whitehead et al. and apply the opening of Smith to have a guide part (the opening of Smith) for guiding the hose on the moving path of the hose and to have the left and right sides of opening (or inclined parts) with an angle of inclination of more than 45 degrees and less than 90 degrees. Also, at the time of the invention, it would have been obvious to a person of ordinary skill in this art to connect such a bead 29 (or restrictive part, by Fritsch) so that the hose

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reel of Whitehead further comprises a restrictive part. The motivation for the combinations would be to help confine the movement of the hose.

23. **Regarding claim 3**, Whitehead et al. discloses an enclosed hose reel (see abstract) for winding a spool (see figure 6), but does not disclose a guide part for guiding the hose (H). Smith shows a reel and hose covering device (see abstract) that contains an opening to allow the passage of the water outlet (18) of the hose (16), see column 4 lines 6-8. Also, as shown by Smith, the width of the opening (32) is set to decrease to its upper portion, see opening on figure 3. Smith does not disclose a restrictive part formed of an arc shape whose central part protrudes. Fritsch shows that the cover (24) has a bead (29) around the rim of the dispensing opening (26), but does not disclose using the bead on an opening of a hose reel. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to utilize the hose reel of Whitehead et al. and apply the opening of Smith to have a guide part (the opening of Smith) for guiding the hose on the moving path of the hose to be wound around a drum. Also, a person of ordinary skill in this art can utilize the bead of Fritsch with Smith to have a restrictive part of arc shape whose central part protrudes.

24. **Regarding claim 6**, Whitehead et al. discloses an enclosed hose reel (see abstract) for winding a spool (see figure 6), but does not disclose a guide part for guiding the hose (H). Smith discloses a reel and hose covering device (see abstract) that contains an opening to allow the passage of the water outlet (18) of the hose (16), see column 4 lines 6-8. Smith does not disclose a restrictive part formed of an arc shape whose central part protrudes. Fritsch discloses that the cover (24) has a bead

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(29) around the rim of the dispensing opening (26), but does not disclose using the bead on an opening of a hose reel. Nelson also shows a garden hose reel caddy with a notch 44 (see figure 1) that shows a hose guided through a smaller opening. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to utilize the hose reel of Whitehead et al. and apply the opening of Smith to have a guide part (the opening of Smith) for guiding the hose on the moving path of the hose to be wound around a drum. Also, a person of ordinary skill in this art can utilize the bead of Fritsch with Smith to create a thick part thicker than a general part disposed on the opening edge of opening (Smith). At the time of the invention, adjust the orientation of the thick part as a design choice (forward, upward away from a center or downward away from a center) so that the thick part has an arc shape protruding toward a center of the opening. The motivation for the combination would be to keep the opening the same size, increase its size, or decrease its size). The motivation for the combination would also be to follow the teaching of Nelson.

25. **Regarding claim 7**, Whitehead et al. discloses an enclosed hose reel (see abstract) for winding a spool (see figure 6), but does not disclose a guide part for guiding the hose (H). Smith discloses a reel and hose covering device (see abstract) that contains an opening to allow the passage of the water outlet (18) of the hose (16), see column 4 lines 6-8. Smith does not disclose a restrictive part formed of an arc shape whose central part protrudes. Fritsch discloses that the cover (24) has a bead (29) around the rim of the dispensing opening (26), but does not disclose using the bead on an opening of a hose reel. Nelson also shows a garden hose reel caddy with a

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notch 44 (see figure 1) that shows a hose guided through a smaller opening. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to utilize the hose reel of Whitehead et al. and apply the opening of Smith to have a guide part (the opening of Smith), with an opening with a sectional shape of an arc, for guiding the hose on the moving path of the hose to be wound around a drum. Also, a person of ordinary skill in this art can utilize the bead of Fritsch to have the sectional shape of an arc protruding toward the centering of opening. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to adjust the orientation of the thick part as a design choice (forward, upward away from a center or downward away from a center) so that the thick part has an arc shape protruding toward a center of the opening. The motivation for the combination would be to keep the opening the same size, increase its size, or decrease its size). The motivation for the combination would also be to follow the teaching of Nelson.

**26. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacobi et al. (6,050,290) in view of Fritsch (US Patent 3,776,262) in further view Kawabe (US Patent 4,334,670).**

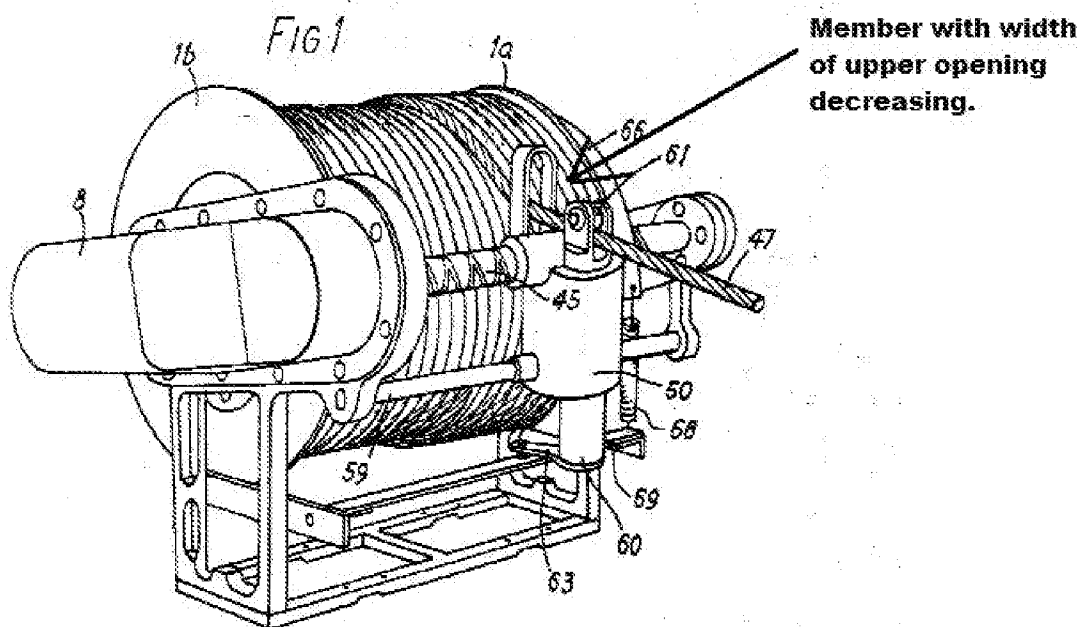
**27. Regarding claim 3,** Yacobi et al. (from here on just referred to as Yacobi) discloses a hose reel apparatus as discussed above in regarding claims 10-11. The hose reel cart also comprises a drum (see figure 2) and a guide part 64 (see figure 3). Yacobi et al. does not disclose a restrictive part as discussed in figure 3. Fritsch discloses for a cylindrical garden hose enclosure. In addition, Fritsch discloses that the

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cover (24) has a bead (29) around the rim of the dispensing opening (26), see column 2 lines 16-17 and figure 2. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to connect such a bead 29 to the rim of the opening of the guide 50 so that a bead (or restrictive part) is connected to the opening of the guide member 64 with the bead (or restrictive part) forming an arc shape whose central part protrudes. The motivation for the combination would be to prevent damage to the guide during winding and unwinding of the hose.

28. **Regarding claim 4**, Yacobi and Fritsch disclose their devices above. Neither discloses the subject matter of claim 4. Kawabe shows a member (see figure below) the has the width of its upper opening decreasing. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to flip the guide member 64 upside down so that the lower opening edge is linearly formed. The motivation for the combination of the combination would be to follow the teach of Kawabe. Since the bead 29 (or restrictive part) would be around the entire opening, the restrictive part would be set in an upper opening edge.





29. **Regarding claim 5**, Yacobi, Fritsch and Kawabe disclose their devices above.

Further, Yacobi shows an enclosure 12 and base 14 (or frame, see figures 1 and 7) with the drum 28 supported by the enclosure and base (or frame) the guide member (or guide part) further comprising a support column 68 (or bar) on the frame (see figures 1, 3 and 7)

30. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tisbo et al. (5,988,552) in view of Fritsch (US Patent 3,776,262) in further view of Nelson (US Patent 4,974,627).**

31. **Regarding claim 6**, Tisbo et al. (from here on just referred to as just Tisbo)

discloses a portable hose reel cart as discussed above in regarding claims 1,7, and 10-

14. Tisbo does not disclose a restrictive part as discussed in claim 6. Fritsch discloses

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for a cylindrical garden hose enclosure. In addition, Fritsch discloses that the cover (24) has a bead (29) around the rim of the dispensing opening (26), see column 2 lines 16-17 and figure 2. Nelson also shows a garden hose reel caddy with a notch 44 (see figure 1) that shows a hose guided through a smaller opening. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to connect such a bead 29 to the rim of the opening of the guide 50 so that a bead (or restrictive part) is connected to the opening of the guide member 64 with the bead (or restrictive part) forming an arc shape whose central part protrudes. The motivation for the combination would be to prevent damage to the guide during winding and unwinding of the hose. As a result of this combination the upper half of the guide 50 would be the thick part (since the restrictive part, and direct left and right edges would of the guide would be the thin parts of the guide 50) and the top half of the opening on the top half on the guide would be an arch shape protruding toward the center of the opening (the top vertical center of opening edge). At the time of the invention, adjust the orientation of the thick part as a design choice (forward, upward away from a center or downward away from a center) so that the thick part has an arc shape protruding toward a center of the opening. The motivation for the combination would be to keep the opening the same size, increase its size, or decrease its size). The motivation for the combination would also be to follow the teaching of Nelson.

**32. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tisbo et al. (5,988,552) in view of Nelson (US Patent 4,974,627).**

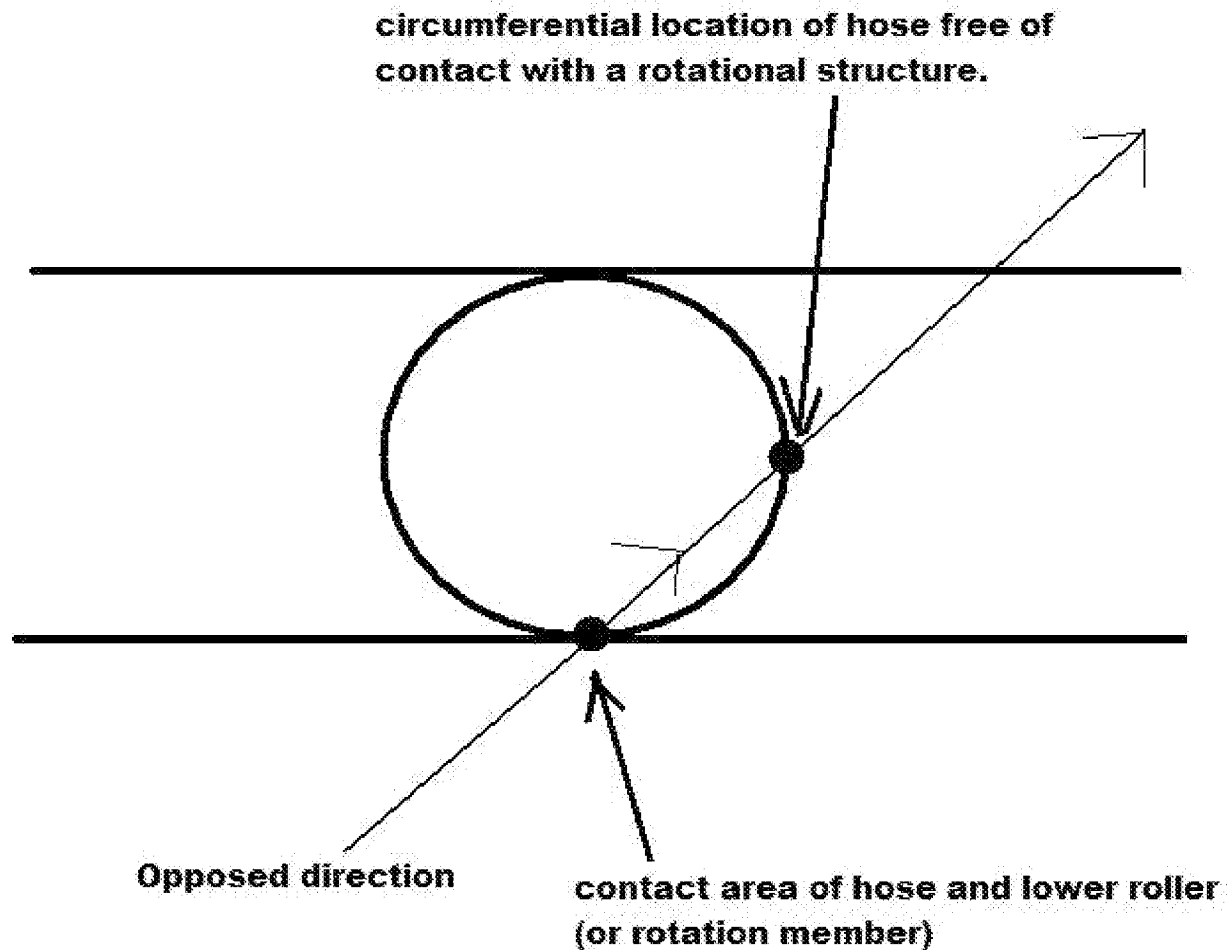
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33. **Regarding claim 7**, Tisbo et al. (from here on just referred to as just Tisbo) discloses a portable hose reel cart having a folding handle as discussed above in regarding claims 1 and 10-14. Such an opening for the guide 50 is considered having a sectional shape formed in an arc. Nelson also shows a garden hose reel caddy with a notch 44 (see figure 1) that shows a hose guided through a smaller opening. Tisbo does not disclose the arc protruding toward a center of the opening. At the time of the invention, adjust the sectional shape of the arc (of the opening of the guide 50 of Tisbo) of the opening as a design choice (forward, upward away from a center or downward away from a center) so that the sectional shape has an arc shape protruding toward a center of the opening. The motivation for the combination would be to keep the opening the same size, increase its size, or decrease its size). The motivation for the combination would also be to follow the teaching of Nelson.

34. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead et al. (US Patent 6,050,291) as applied to claim above and further in view of Bantaculo (US Patent 5,560,391).** Whitehead et al. discloses an enclosed hose reel (see abstract). The hose reel disclosed by Whitehead et al. contains a spool (12, or drum) onto which the hose (H) is wound or taken up, see column 3, lines 56-57. Bantaculo discloses a hose handling apparatus comprising a box having an upper horizontal plate in a rectangular configuration (see abstract). The apparatus disclosed by Bantaculo contains a pair of guide rollers (82) on a rectangular aperture (80), see figure 1, on the front wall of a hose handling apparatus (see column 5, lines 4-5).

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Bantaculo also discloses that the rollers are for guiding the movement of the hose between spindle and exterior thereof (column 5, lines 9-10). Bantaculo discloses a hose handling apparatus with a rectangular aperture having rollers (82) on the top and bottom portions of the aperture (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to utilize the enclosed hose reel of Whitehead et al., have lower roller (from Bantaculo) as a rotational member in contact with the hose and rotating in the direction of urging the movement of the hose. Also, the lower roller of Bantaculo can be put in place of the moving path of the hose to be wound up by spool (drum) of Whitehead et al. From the diagram below, the hose is free of contact with a rotational structure at a circumferential location opposed to the support location of the lower roller (or rotational member).



35. Claims 9/1, and 9/7, and 9/14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tisbo et al. (5,988,552) in view of Morse (US Design Patent D 088,666).

36. Regarding claims 9/1 and 9/7, Tisbo discloses the device as discussed above in regarding claims 1, 7 and 10-14. Tisbo does not disclose a hose as discussed in claim 9. Morse shows a hose with rugged outer surface including convex strips and concave grooves (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to further comprise the device of Tisbo to

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have such a hose with these features. The motivation for the combination would be to have a hose that is easier to grip.

**37. Claim 9/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawabe (US Patent 4,334,670) in view of Morse (US Design Patent D 088,666).**

**38. Regarding claim 9/2,** Kawabe discloses his device above in regarding claim 2. Kawabe does not disclose a hose as discussed in claim 9. Morse shows a hose with rugged outer surface including convex strips and concave grooves (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to further comprise the device of Kawabe to have such a hose with these features. The motivation for the combination would be to have a hose that is easier to grip.

**39. Claim 9/8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bantaculo (US Patent 5,560,391) in view of Morse (US Design Patent D 088,666).**

**40. Regarding claim 9/2,** Bantaculo discloses his device above in regarding claim 8. Bantaculo does not disclose a hose as discussed in claim 9. Morse shows a hose with rugged outer surface including convex strips and concave grooves (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to further comprise the device of Kawabe to have such a hose with these features. The motivation for the combination would be to have a hose that is easier to grip.

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41. **Claims 9/3, 9/4, and 9/5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacobi et al. (6,050,290) in view of Fritsch (US Patent 3,776,262) in further view Kawabe (US Patent 4,334,670) in further view of Morse (US Design Patent D 088,666).**

42. **Regarding claims 9/3, 9/4, and 9/5**, Yacobi, Fritsch, and Kawabe disclose their respective devices as discussed in regarding claims 3-5. None of them disclose a hose as discussed in claim 9. Morse shows a hose with rugged outer surface including convex strips and concave grooves (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to further comprise the device of Yacobi, Fritsch, and Kawabe to have such a hose with these features. The motivation for the combination would be to have a hose that is easier to grip.

43. **Claim 9/6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tisbo et al. (5,988,552) in view of Fritsch (US Patent 3,776,262) in further view of Morse (US Design Patent D 088,666).**

44. **Regarding claim 9/6**, Tisbo and Fritsch disclose their respective devices as discussed in regarding claim 6. Neither of them discloses a hose as discussed in claim 9. Morse shows a hose with rugged outer surface including convex strips and concave grooves (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to further comprise the device of Tisbo and Fritsch to

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have such a hose with these features. The motivation for the combination would be to have a hose that is easier to grip.

**45. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead et al. (US Patent 6,050,291) in view of Smith (US Patent 2,219,201).**

Whitehead et al. discloses an enclosed hose reel (see abstract). The hose reel disclosed by Whitehead et al. contains a spool (12, or drum) with a barrel portion and collars (see figure 6) onto which the hose (H) is wound or taken up, see column 3, lines 56-57.

**46. Regarding claim 15,** Whitehead et al. discloses a enclosed hose reel (see abstract) for winding a spool (see figure 6), but does not disclose the distance between the two flanges (18) as set between 40% and 60% of the diameter of flanges. Smith shows and teaches of a reel (or drum) with the diameter of the collars longer than the length of the barrel portion, see figure 2. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to design, as a design choice, the enclosed hose reel (of Whitehead) to have a distance between the two flanges set between 40% and 60% of the diameter of flanges. The motivation for the combination would be to follow teaching of Smith.



***Response to Arguments***

45. Regarding applicants arguments about claim 8, see page 30 (remarks), as can be seen in the above (in both rejections of claim 8), the hose is free of contact with a rotational member at its right side, thus reading into this amended claim.

46. Regarding applicants arguments about claims 10-11, see page 28 (remarks), the complete width extent of the inlet/outlet (of Whitehead) may not be maintained positionally between the flanges (or collars), but some of the width extent is maintained positionally between the flanges.

47. Applicant's arguments with respect to claim the remaining claims have been considered but are moot in view of the new ground(s) of rejection. Please note that some of the arguments of the claims are to Smith (2,219,201). This Smith reference was cited the Notice of references cited (PTO-892), but it was not used in the rejections of the first office action. The Smith reference used in the first action was Smith (US 6,467,499 B1).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan J. Campos whose telephone number is (571) 270-5229. The examiner can normally be reached on 9am-4pm (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JJC

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654